

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE STREET GROUP, LLC,

Plaintiff,

-v-

MILLENNIUM MANAGEMENT LLC, *et al.*,

Defendants.

24 Civ. 2783 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

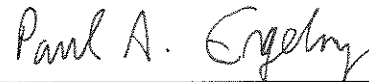
On May 31, 2024, plaintiff filed motions to dismiss and to strike defendants' counterclaims and certain affirmative defenses, respectively, under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 93.

Under Rule 15(a)(1)(B), a defendant has 21 days after the service of a motion under Rule 12 to amend its counterclaims once as a matter of course. The Court thus orders defendants to file any amended counterclaims, or notify the Court that they withdraw their counterclaims, by June 21, 2024. No further opportunities to amend will ordinarily be granted. If defendants do amend, by July 5, 2024, plaintiff shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying defendants, stating that it relies on the previously filed motion.¹ If defendants do not amend, and do not withdraw their counterclaims, they shall serve any opposition to plaintiff's motion to dismiss by June 21, 2024. Plaintiff's reply, if any, shall be served by June 28, 2024.

¹ If plaintiff files a new motion to dismiss or relies on its previous motion, defendants' opposition will be due seven days thereafter, and plaintiff's reply, if any, will be due five days after that.

As to plaintiff's motion to strike, the Court grants defendants leave to amend their affirmative defenses under Rule 15(a)(2). *See Safe Step Walk in Tub Co. v. CKH Indus., Inc.*, 242 F. Supp. 3d 245, 271 (S.D.N.Y. 2017) ("It is within the Court's discretion to *sua sponte* grant leave to amend."). Defendants shall file any amended affirmative defenses by June 10, 2024. If defendants do amend, by June 19, 2024, plaintiff shall (1) file a new motion to strike; (2) submit a letter to the Court, copying defendants, stating that it relies on the previously filed motion; or (3) submit a letter to the Court, copying defendants, stating that it does not intend to move to strike defendants' affirmative defenses at this time.² If defendants do not amend, defendants shall serve any opposition to plaintiff's motion to strike by June 10, 2024. Plaintiff's reply, if any, shall be served by June 14, 2024.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 3, 2024
New York, New York

² If plaintiff files a new motion to strike or relies on its previous motion, defendants' opposition will be due seven days thereafter, and plaintiff's reply, if any, will be due five days after that.